

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

FINANCIAL FIDUCIARIES, LLC,)
a Wisconsin limited liability company,)
and THOMAS BATTERMAN,)
A Wisconsin resident,)

Plaintiffs,)

v.)

GANNETT CO., INC.,)
a foreign corporation,)

Defendant.)

Case No. 3:19-CV-0874

Magistrate Judge Crocker, Presiding

Jury Demanded

DECLARATION OF DAVID P. HOLLANDER

I, David P. Hollander, being duly sworn state under oath, as follows:

1. The statements and facts contained in this declaration are based on my personal knowledge and are true and correct to the best of my knowledge and understanding.

2. I am admitted to practice law in the State of Wisconsin and am an associate with the law firm of Rathje Woodward LLC. I am one of the attorneys of record for the Plaintiffs in *Financial Fiduciaries LLC, et al. v. Gannett*, Case No. 3:19-CV-0874 (the “Defamation Action”).

3. As part of my representation of the Plaintiffs in the Defamation Action, I issued an Open Records request to the Wisconsin Department of Justice (the “DOJ”) on July 8, 2020.

4. On July 30, 2020, the DOJ acknowledged receipt of my Public Records Request and indicated that:

We have initiated a review of our files in order to respond to your request. Please note, processing your request will require a search of DOJ’s email archive. The volume of emails required to be searched and the staff time and resources necessary for location and review will likely result in a longer response time than for a simpler request. If you wish to narrow or clarify your request to help reduce this response time, you are invited to do so. Wisconsin Statutes mandate that we provide you with

a response “as soon as practicable and without delay.” Wis. Stat. § 19.35(4)(a). DOJ is committed to providing a thorough and timely response to your request.

A true and accurate copy of the July 30 letter from the DOJ is attached hereto as Exhibit A.

5. I followed up with the DOJ on September 16, 2020, asking: “It has been over three months since this request was submitted. When do you anticipate producing the responsive public records?” A true and correct copy of this email exchange with the DOJ is attached hereto as Exhibit B.

6. On September 24, 2020, the DOJ responded to my September 16, 2020 inquiry and stated:

Thank you for your message. The Department of Justice (DOJ) has completed a search of its files and determined that it does have records potentially responsive to your request. Those records are now being compiled and reviewed in order to identify what records, if any, can be prepared for release to you. Wisconsin Statutes mandate that we provide you with a response “as soon as practicable and without delay.” Wis. Stat. § 19.35(4)(a). Please be assured that DOJ is committed to providing a thorough and timely response to your request. We appreciate your patience as we continue to process your request.

(Exhibit B)

7. I followed up with the DOJ again on October 5, 2020, stating:

Thank you for your message. It has now been four months since I made the request. This matter is time sensitive, and I ask that the Department commit to producing the responsive records within two weeks of today's date. If the Department refuses to meet this timeline, please articulate with specificity: (1) why production has been delayed, and what burdens accompany the search; (2) how far along the Department is in its search, and what steps remain; and (3) when the Department anticipates producing the responsive records.

(Exhibit B)

8. On October 16, 2020, the DOJ responded to me as follows:

Thank you for checking on the status of your request, which we continue to process. We have received a high volume of requests, and we work to respond to all of them as soon as practicable and without delay. While I am unable to provide you a

deadline by which our response will be ready, we are working to have it to you soon.
I am happy to discuss our response with you further.

(Exhibit B)

9. On February 2, 2020, I received from the DOJ a document production in response to my FOIA request, which contained over 800 pages of records. A true and correct copy of the letter I received from the DOJ is attached hereto as Exhibit C.

10. Within the DOJ production is an email dated October 31, 2019, a true and correct copy of which is attached to this affidavit as Exhibit D.

11. I state the foregoing under penalties of perjury.

Dated: March 3, 2021

By: 
David P. Hollander

